



Federal Subsistence Management Program

Sales of Handicrafts Made from Bear Fur Including Claws

(As defined in the *Federal Subsistence Management Regulations for the Harvest of Wildlife on Federal Public Lands in Alaska*, effective July 1, 2004- June 30, 2005)

At its May 18-20, 2004 meeting, the Federal Subsistence Board adopted new regulations allowing the sale of handicrafts made with brown bear fur from bears taken for subsistence in Southeast Alaska, the Eastern Interior and the Bristol Bay regions. The Board also clarified its intent to continue to allow the sale of handicrafts made with black bear fur, which can include the claws, which has been allowed in Federal regulation since July 1, 2002.

To implement these Board decisions, the new Federal subsistence regulations clarify that subsistence users may sell handicraft articles made from black bear "fur", which can include the claws, taken statewide, and handicraft articles made from brown bear "fur", which can include the claws, taken from Units 1-5, 9(A), 9(B), 9(C), 9(E), 12, 17, 20 and 25.



The new regulations:



- Clarify that Federally qualified subsistence users may sell handicraft items made from black bear fur, which can include claws, taken under Federal subsistence regulations statewide.
- Provide regulatory authority for Federally qualified subsistence users to sell handicraft items made from brown bear fur, which can include claws, taken under Federal subsistence regulations within Southeast Alaska, Eastern Interior, or Bristol Bay regions.
- Do not affect the rules on sharing and barter. Federally qualified subsistence users may continue to barter fish or wildlife or their parts, taken under Federal subsistence regulations.
- Are consistent with the views expressed by some Regional Advisory Councils that rural residents traditionally utilize bear fur and/or claws in handicrafts and for regalia. The sale of these items is a customary practice consistent with the intent of Title VIII of ANILCA.

QUESTIONS and ANSWERS

What is the Federal Subsistence Program definition of "bear fur"?

Bear fur defined in the Federal Subsistence Program regulations includes the entire external covering of the bear, with claws attached. Therefore, the use of the term "fur" throughout this brochure means fur and/or claws.

What is a handicraft?

A **handicraft** is a finished product in which the shape and appearance of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

What is meant by "substantially changed"?

The regulation says that both the shape and appearance of the material must be changed. This can be accomplished by incorporating the material within the handicraft item, such as sewing or otherwise attaching the fur or claws to a garment or hat, or pendants or similar jewelry items, and/or by carving, scrimshawing or painting a design on the claws and/or fur as traditionally done by Alaska rural artists.

What kinds of products made from bear fur (including the claws) qualify as handicrafts that can be sold?

Parts of the fur (with or without claws attached) substantially changed into handicrafts such as mukluks, parkas, mittens, hats, etc., may be sold. Bear claw necklaces or similar claw products, which don't incorporate any other part of the fur, meet the definition of handicraft if each individual claw is artfully attached to something or incorporated into a design, through the use of an artistic technique such as sewing, mounting, carving, scrimshawing, etching or painting, resulting in a substantially greater monetary and aesthetic value. Bearskin rugs and mounts cannot be sold, as they do not meet the definition of handicraft in which the shape and appearance of the natural material has been substantially changed.

Can I drill a hole through a bear claw, add a string to make it into a necklace, and call that a handicraft?

No. The definition of handicraft requires that the natural material be substantially changed resulting in a greater monetary and aesthetic value. A bear claw on a string does not substantially alter the value and appearance of the natural material.

QUESTIONS and ANSWERS (continued)

Can these handicrafts be resold? By whom?

Yes, however, only Federally qualified rural residents are allowed to sell or resell handicrafts made from bear fur and/or claws harvested for subsistence under Federal regulations on Federal public lands. State regulations, which apply to all Alaska residents, allow for the sale of handicrafts made from bear fur, but not claws. For more information about State regulations, contact the Alaska Department of Fish and Game. In addition, the transport of bear parts between states or countries may be subject to both State and Federal permitting, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Act) for species such as bears, which may become threatened or endangered if trade is not strictly regulated and monitored.

As a gift shop owner in an urban area can I purchase bear fur handicrafts and/or bear claw handicrafts from a Federally qualified rural resident and sell these items to tourists?

No. While there are no Federal subsistence regulation limits on who may purchase these items from Federally qualified rural residents, only Federally qualified subsistence users may sell these items. Non-rural residents with gift shops may not sell these items whether purchased or on consignment from Federally qualified subsistence users. These urban gift shop owners, other residents of urban areas and all non-Federally qualified subsistence users must comply with State of Alaska regulations.

Can I send a bear fur outside of Alaska to be tanned and returned for use in handicrafts?

Yes. It is not the Federal Subsistence Board's intention to prohibit qualified individuals from sending fur out of Alaska to be tanned. However, keep in mind that it would be required that the individual comply with all State and CITES requirements.

Can I send bear fur and/or claws outside of Alaska to be used in the creation of handicrafts for sale?

No. The regulation passed by the Federal Subsistence Board was with the intent to allow the customary practice of selling locally made handicraft items consistent with the intent of Title VIII of ANILCA. Items manufactured outside of Alaska would not be consistent with the Board's intent.

If I am visiting from outside of Alaska, can I purchase a handicraft made from bear fur (which can include claws)?

Yes. However, if claws are included, the brown bear must have been taken under Federal regulations on Federal lands in Southeast Alaska, Bristol Bay or Eastern Interior and a Federally qualified subsistence user is selling it. Handicrafts with black bear claws can be sold if taken from black bear harvested under Federal regulations on Federal lands throughout the state. State regulations allow the sale of handicrafts made from just the fur (no claws) of both brown and black bear.

Is it legal for the sale of handicrafts made from subsistence-harvested wildlife to occur outside of Federal jurisdiction?

It is the opinion of the Federal Subsistence Board that Federal regulations governing the sale of handicrafts made from subsistence-harvested wildlife extend to any legally taken subsistence wildlife regardless of where the actual cash transaction takes place. However, be aware that State officials may disagree with this interpretation and could decide to prosecute persons selling subsistence harvested bear claws on State or private lands.

Do I need a Federal permit to take a bear handicraft out of Alaska?

Lawfully created handicrafts made from authorized parts of black or brown bear must be accompanied by a valid CITES permit issued by the U.S. Fish and Wildlife Service if exported from Alaska to another country. However, no permit is required for those traveling through Canada to the lower 48 states, if the handicraft is transported in personal accompanying baggage. For more information on CITES permits and requirements visit the Fish and Wildlife Service Internet web site at <http://alaska.fws.gov/law/permits.htm>, or contact Fish and Wildlife Service law enforcement at (907) 271-6198 or e-mail them at ak_le@fws.gov.

Can any black bear or brown bear fur and/or claws be used under this regulation?

No. This regulation applies only to bears harvested under Federal subsistence regulations on Federal public lands. The State of Alaska has a similar, but more limited regulation that allows the sale of handicrafts made from black bear and brown bear fur, not including the claws. Therefore, only claws from black bear harvested under Federal subsistence regulations can be sold as handicrafts, and only claws from brown bear harvested under Federal subsistence regulations within the Southeast, Eastern Interior and Bristol Bay regions can be sold as handicrafts under these regulations.

Are sharing and barter affected by these regulations?

No. Sharing and barter are not affected by these regulations. Under Title VIII of ANILCA, sharing and barter are protected. **Sharing** refers to distribution of subsistence foods without receiving something in return, while **barter** is the limited exchange of subsistence-harvested fish and wildlife for goods other than cash.

Can these regulations be changed?

Yes. If the public, Regional Advisory Councils, Federal or State agencies identify a need to modify or provide for region-specific regulations following the implementation of the new regulations, the regulations can be revised through the annual regulatory review process.